

# **Attachment 1**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	MDL No. 1570
---	--------------

-----X

THOMAS BURNETT, SR., <i>et al.</i>	03 CV 9849 (RCC)
------------------------------------	------------------

Plaintiffs

- against -

AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*,

Defendants.

-----X

**AFFIDAVIT OF EVAN F. KOHLMANN**

EVAN F. KOHLMANN declares under penalty of perjury:

1. I am a consultant offering expert research and analysis services to media, governmental, and non-governmental clients on issues relating to Al-Qaida and International Terrorism. In the past, I have testified in federal court as a government expert witness on terrorism and Internet-research matters. I submit this affidavit to provide the Court and counsel for the Plaintiffs with the below referenced exhibits which rebut the declaration of Adel A.J. Batterjee. Batterjee's affidavit at paragraph 9 claims that he never wrote a biography as alleged in the plaintiff's Third Amended Complaint at paragraph 230.

2. Attached to the Affidavit is Exhibit 1, an Arab News article dated February 13, 1993. The article, consisting of an interview with Shaykh Adel Batterjee of Jeddah, Saudi Arabia includes the following statement: "Batterji has written another

book, which is under print, on Afghan jihad disclosing many unknown aspects about the war in Afghanistan.”

3. Attached to the Affidavit is Exhibit 2, a true and accurate copy of an e-mail sent to Shaykh Adel Batterjee ([capa@shabakah.net.sa](mailto:capa@shabakah.net.sa)) on June 23, 2000. This e-mail was written by myself and sent under the pseudonym “Youcef Abdelkader” ([djazairain@hotmail.com](mailto:djazairain@hotmail.com)). The message, directed to the attention of Adel Batterjee, stated: “I simply wish to know if your book on Afghan jihaad is still in print, and where it may be purchased from.”

4. Attached to the Affidavit is Exhibit 3, a true and accurate copy of an e-mail reply sent from Shaykh Adel Batterjee ([adelbatterjee@cap-sa.com](mailto:adelbatterjee@cap-sa.com)), General Manager of CAP-Saudi Arabia, to [djazairain@hotmail.com](mailto:djazairain@hotmail.com) on June 24, 2000. The e-mail, signed by “Adel A. Batterjee, General Manager,” stated: “Jazak Allah khayer [Congratulations] for your letter. If you provide me with a mailing address, I will send you a copy.”

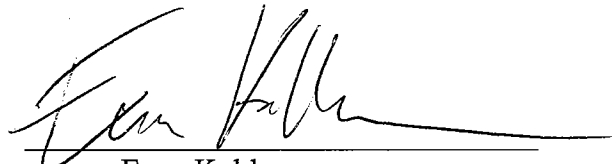
5. Attached to the Affidavit is Exhibit 4, a true and accurate copy of an e-mail reply sent from Shaykh Adel Batterjee ([adelbatterjee@cap-sa.com](mailto:adelbatterjee@cap-sa.com)), General Manager of CAP-Saudi Arabia, to [djazairain@hotmail.com](mailto:djazairain@hotmail.com) on July 1, 2000. The e-mail, signed by “Adel A. Batterjee, General Manager,” stated: “I have received your message and will insha Allah [God-willing] send you the books this week. I will inform you when the package is in the mail.”

6. Attached to the Affidavit is Exhibit 5, a true and accurate copy of the first five pages of the book I received in the mail in July 2000 in response to the email exchange described above in paragraphs two through five.

7. Attached to this Affidavit is Exhibit 6, a true and correct copy of an English translation of the Book described above in paragraph six provided to me by counsel for the plaintiffs.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2004.

  
Evan Kohlmann

SWORN to before me, this 3

day of JUNE, 2004.

  
NOTARY PUBLIC  
My Commission Expires: **Francis Parr Claytor**  
**Notary Public, District of Columbia**  
**My Commission Expires 1-14-07**